Remarks

The Office Action and the references cited therein have been carefully reviewed. The following remarks herein are considered to be responsive thereto. Claims 1-15 remain in this application. Claims 11, 12, 14 and 15 are currently amended by this amendment.

The Examiner rejected claims 11-15 under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 6,238,350 issued to Neilson (Neilson) or any other general purpose computer. Further, the Examiner rejected claims 1-15 under 35 U.S.C. §103(a) as allegedly unpatentable over the paper "Statistical Analysis of QT Interval as a Function of Changes in RR Interval in the Conscious Dog," by Raunig, et al.

In regard to claims 11-15, the Examiner states "while applicant recites many details regarding the instructions and what they perform, the instructions are only recited as functional steps that the microprocessor is capable of performing. Since there appears to be nothing special about applicant's processor, it is assumed that all processors are capable of implementing the functionally stated instructions."

In response to the rejection, claims 11, 12, 14 and 15 of the present application are being amended for clarification purposes to more accurately and definitively set forth the invention. Claim 11 has been amended to particularly set forth a means for comparing a pre-dose curve of QT interval versus RR interval to a post-dose curve of QT interval versus RR interval, and a means for comparing the points of the post-dose data that exceed the upper 95% single-point prediction limit of the pre-dose curve to determine the magnitude of these points.

Nowhere is a means for comparing a pre-dose curve of QT interval versus RR interval to a post-dose curve of QT interval versus RR interval or a means for comparing

the points of the post-dose data that exceed the upper 95% single-point prediction limit of the pre-dose curve to determine the magnitude of these points taught in the patent to Neilson.

Therefore, it is respectfully submitted that claim 11 is allowable for at least the given reasons. Further, claims 12-15, which depend from claim 11, are allowable therewith at least because they depend from an allowable base claim. Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 11-15 under 35 U.S.C. §102(e).

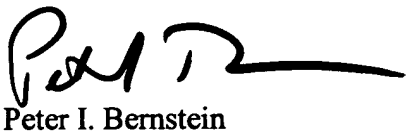
In regard to the rejection of claims 1-15, the claims were rejected relying upon a 102(f)/103 type rejection. The Examiner states "the claimed invention was derived from the work of another, that is the five listed inventors on the research paper of which only three are listed in the current application."

In response to the Examiner's rejection, the Applicant respectfully submits that the three current inventors as listed in the present application alone invented the present invention. In support of Applicant's argument, a Declaration under 37 C.F.R. § 1.132 is enclosed herewith to provide evidence that the current inventors as listed in the present application are the true inventors of the present invention and to overcome the current rejection of claims 1-15. Therefore, it is respectfully submitted that Claims 1-15 are allowable. Accordingly, the Examiner is respectfully requested to withdraw the rejections of claims 1-15 under 35 U.S.C. §§ 102(f) and 103(a).

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone

conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,



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